IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

WEDNESDAY, THE EIGHT DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 11738 of 2005

Between:

K.Rajesh, S/o.K.Jakkaiah, Grampanchayat, NFC Nagar of Ghatkesar Mandal.

Ranga Reddy district. **..... PETITIONER**

A N D

1 The Collector, Panchayat Winig, RR Dist.
2 The Commissioner, Panchayat Raj & Rural Development Andhra Pradesh, Hyderabad.
3 The Divisional Panchayat officer, Ranga Reddy District.
4 The Upa Sarpanch, Grampanchayat, NFC Nagar of Ghatkesar Mandal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of writ of certiorari calling for records and to quash the impugned proceedings No.B2/596/2004 dt.17-05-2005 of the 1st respondent as highly illegal, arbitrary, biased and violative of principles of Natural justice and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MRS.S.NANDA

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following : (order follows second page**)**

O R D E R

This writ petition is filed questioning the impugned proceedings No.B2/596/2004 dated 17-5-2005 of the first respondent suspending the petitioner under section 249 (6) of A.P. Panchayat Raj Act, 1994 from the Office of Sarpanch, Gram Panchayat, NFC Nagar, Ghatkesar Revenue Mandal of Rangareddy district, for a period of three months, with immediate effect for the irregularities committed by him in the administration of Gram Panchayat NFC Nagar for the works executed by him according to his will and pleasure without resolution of Gram Panchayat and placing Upa-sarpanch to take over complete charge from the petitioner and exercise the functions and powers of the Sarpanch, Gram Panchayat, NFC Nagar and directing the Extension Officer (PR & RD) Ghatkesar to take action accordingly and report compliance.

Mrs.S.Nanda, the learned counsel appearing for the petitioner seeks to contend that the impugned proceedings issued by the first respondent is liable to be set aside on

the ground that firstly, the impugned order of the first respondent is not a speaking order; secondly, the impugned order of the first respondent is solely based on the remarks submitted by the Divisional Panchayat Officer without applying his mind to the facts of the case and without perusing the records to ascertain the facts; thirdly, the order of the first respondent clearly shows that the explanation of the petitioner was not at all considered by the competent authority; fourthly, the competent authority placed reliance on a report of the Extension Officer, a copy of which has not been furnished to the petitioner and the failure to do so is not sufficient compliance with the principles of natural justice and with the mandatory provisions of giving an opportunity to offer an explanation; fifthly, the first respondent formed an opinion against the petitioner without perusing the records and totally relying on the remarks of the Divisional Panchayat Officer, dated 21-02-2005 without applying his mind to the facts of the case and without arriving at his own independent conclusion; sixthly, the order of the first respondent is not only biased but is also purely politically motivated which has been passed upon the instruction of certain inimical to the petitioner under political pressure.

While raising the above contentions, Mrs.S.Nanda, the learned counsel appearing for the petitioner placed reliance on the decision of this court in **BUNTUPALLY PATHANA V/s. DISTRICT COLLECTOR (Panchayat Wing) East Godavari & ANR**.

After hearing the learned counsel for the petitioner as well as the learned Govt.Pleader for Panchayat Raj & Rural Development, the petitioner without availing the alternative remedy provided under section 264 of the AP Pachayat Raj

Act, 1994 straightaway approached this court and filed the present writ petition, which is not maintainable. However, the petitioner is at liberty to pursue the appropriate remedies before the appropriate alternative forum as advised. Now the grievance of the petitioner does not have an adjudicative disposition before this Court under Article 226 of the Constitution of India.

The writ petition is misconceived and is accordingly dismissed. No costs.

JUNE 08th, 2005. ----------

I S L. ELIPE DHARMA RAO, J.

To

1) 2 CD copies

2) 1 CC to MRS.NANDA, Counsel for the Petitioner.

3) 1 CC to Govt.Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad.

4) The Collector, Panchayat Winig, RR Dist.
5) The Commissioner, Panchayat Raj & Rural Development Andhra Pradesh, Hyderabad.
6) The Divisional Panchayat officer, Ranga Reddy District.
7) The Upa Sarpanch, Grampanchayat, NFC Nagar of Ghatkesar Mandal, Rangareddy district.